

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHARLES B. PHILLIPS, }
Plaintiff, } Case No. 2:15-cv-02024-LDG-GWF
vs. }
ORDER
VA ADMINISTRATION EAST CLINIC, *et al.*, }
Defendants. }

This matter is before the Court on the LVMPD Defendants' Motion to Strike Plaintiff's Declaration of Rights Biven Agent/Plaintiff's Motion for Sustainability to FRCP Rule 57 and Rule 39 (ECF No. 98), filed on May 31, 2016. Defendant Kevin Hagerty, DC filed a Joinder (ECF No. 98) on June 1, 2016.

To date, Plaintiff has not responded to this motion and the time for opposition has now passed. Local Rule 7-2(d) states in pertinent part, that “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” As a result, the Court will grant the present motion.

In addition, Federal Rule of Civil Procedure 12(f) provides that “a court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.” The LVMPD Defendants argue that Plaintiff’s Declaration/Motion for Sustainability (ECF No. 97) is “irrelevant and immaterial to [Plaintiff’s] case as it has no purpose; requests no proper relief; and is non-responsive to the Motion to Strike.” *Motion to Strike* (ECF No. 98), pg. 2, lns. 16–17. The Court agrees. Accordingly,

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IT IS HEREBY ORDERED that the LVMPD Defendants' Motion to Strike Plaintiff's Declaration of Rights Biven Agent/Plaintiff's Motion for Sustainability to FRCP Rule 57 and Rule 39 (ECF No. 98) is **granted**. The Clerk of the Court shall strike Plaintiffs "Declaration of Rights Biven Agent/Plaintiff's Motion for Sustainability to FRCP Rule 57 and Rule 39" (ECF No. 97).

DATED this 23rd day of June, 2016.

George Foley Jr.
GEORGE FOLEY, JR.
United States Magistrate Judge